

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

EUGENE YAZZIE and  
PHYLLIS YAZZIE,  
on behalf of themselves  
and all others similarly situated,

Plaintiffs,

v.

No. 1:14-cv-00555-JAP-SCY

GURLEY MOTOR CO. and  
RED ROCK INVESTMENT CO.,

Defendants.

**PRELIMINARY APPROVAL ORDER**

On June 1, 2016, Plaintiffs filed an Unopposed Motion for Preliminary Approval of Settlement Agreement, on behalf of themselves and a class of similarly situated persons. *See* PLAINTIFFS' UNOPPOSED MOTION FOR PRELIMINARY APPROVAL OF SETTLEMENT AGREEMENT (Doc. No. 180). Having reviewed the motion:

1. The Court reaffirms its finding that this action will be maintained as a class action. The classes are so numerous that joinder of all members is impracticable. There are questions of law and fact common to the class, such as whether Defendants violated the Truth in Lending Act with regard to their disclosure of "deferred down payments" and whether Defendant Red Rock violated the Uniform Commercial Code with its notification before disposition of collateral. These claims of Mr. and Mrs. Yazzie are typical of the claims of the class members. Mr. and Mrs. Yazzie will fairly and adequately protect the interests of the class, having retained counsel experienced in class actions and having no conflict with the interests of the class. The common questions of law and fact

predominate over questions affecting individual members, and a class action is a superior means of adjudication.

2. The classes are as follows:

- a. A “Loan Agreement Class” or “TILA Class” consisting of all natural persons who, beginning one year prior to the filing of the Complaint, entered into a Motor Vehicle Installment Loan Contract with Gurley to purchase a vehicle primarily for personal, family, or household use, where the loan agreement included a “deferred down payment,” which was listed in the disclosed Payment Schedule but not included in the Total of Payment, and
- b. A “Notification Class” or “UCC Class” consisting of all natural persons which purchased a vehicle from Gurley primarily for personal, family, or household use, whose financing contract was assigned to Red Rock and to whom, beginning four years prior to the filing of the Complaint, Red Rock sent its Notification Before Disposition of Collateral, after repossessing the person’s vehicle.

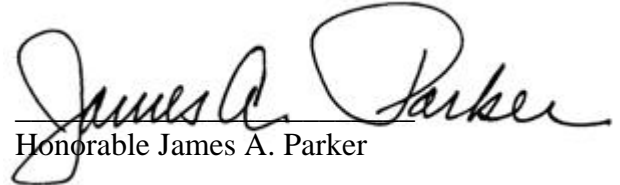
3. The Court finds that the proposed settlement is within the range of fairness and reasonableness and grants preliminary approval to it.

IT IS THEREFORE ORDERED THAT:

1. PLAINTIFFS’ UNOPPOSED MOTION FOR PRELIMINARY APPROVAL OF SETTLEMENT AGREEMENT (Doc. No. 180) is GRANTED.
2. A hearing on the fairness and reasonableness of the Settlement Agreement and whether final approval shall be given to it, to the service award requested by the Plaintiff, and the requests for fees and expenses by class counsel, will be held before this Court on October

19, 2016 at 2:00 p.m. in the Historic Courthouse at 421 Gold S.W. Sixth Floor,  
Albuquerque New Mexico.

3. Plaintiff must submit their motion for final approval by October 12, 2016.



Honorable James A. Parker

Approved:

/s/Nicholas Mattison

Nicholas Mattison

Richard N. Feferman

Feferman & Warren, attorneys for Plaintiff

300 Central Ave., SW, Suite 2000 West

Albuquerque, NM 87102

(505) 243-7773

/s/Mark D. Jarmie

Mark D. Jarmie

Jarmie and Associates, Attorney for Defendants

PO Box 26416

Albuquerque, NM 87125-6416

(505)243-6727